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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,983	12/06/2001	Christopher M. Benson	9902	9424
26884	7590	04/28/2005	EXAMINER	
PAUL W. MARTIN LAW DEPARTMENT, WHQ-4 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			KRAMER, JAMES A	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/010.983

EXAMINER

ART UNIT	PAPER
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3627 20050418

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Commissioner for Patents

Applicant's Appeal Brief filed 2/10/05 is defective for failing to address the rejections of claims 1-5 (Claims 1-5 stand rejected under 35 U.S.C. 103(a) as unpatentable over Freedman in view of Suski.

37 CFR 1.192(c)(8)(iv) (also see MPEP 1206) states:

For each rejection under 35 U.S.C. 103, the argument shall specify the errors in the rejection and, if appropriate, the specific limitations in the rejected claims which are not described in the prior art relied on in the rejection, and shall explain how such limitations render the claimed subject matter unobvious over the prior art. If the rejection is based upon a combination of references, the argument shall explain why the references, taken as a whole, do not suggest the claimed subject matter, and shall include, as may be appropriate, an explanation of why features disclosed in one reference may not properly be combined with features disclosed in another reference. A general argument that all the limitations are not described in a single reference does not satisfy the requirements of this paragraph.

Further, MPEP 1208 under "Answer" states that, "If the brief fails to address any or all grounds of rejection advanced by the examiner, or comply with 37 CFR 1.192(c), the indicated procedure for handling such briefs set forth in MPEP 1206 under "Review of Brief by Examiner" should be followed.

As such this communication serves to notify Appellant of the failure to address the rejection to claims 1-5.

Pursuant to CFR 1.192(d) Appellant is provided with a period of one month within which to file an amended brief. If Appellant does not file an amended brief during the one-month period, or files an amended brief which does not overcome all the reasons for non-compliance stated in this notification, the appeal will stand dismissed.

 4/18/05

ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600